

371

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

416



FROM: Department of Facilities Management **SUBMITTAL DATE:** March 26, 2003

SUBJECT: RESOLUTION NO. 2003-132, AUTHORIZING CONDEMNATION OF REAL PROPERTY FOR STREET WIDENING PURPOSES SECOND SUPERVISORIAL DISTRICT

RECOMMENDED MOTION: That the Board of Supervisors adopt Resolution No. 2003-132, Authorizing Condemnation of Real Property for Road Purposes.

BACKGROUND: As a condition of approval for Tract Map 29213, Communities Southwest is planning to widen and improve the southeasterly corner of the intersection of Limonite Avenue and Wineville Avenue. An offer has been made to the property owner as required by Government Code Section 7267.2. Settlement has not been reached with the property owner, although negotiations are still in progress. The Board approved Resolution No. 2003-131, Notice of Intention to Condemn Real Property for Road Purposes, on April 15, 2003.

Financial Data: All costs shall be borne by the developer.

MJS:JRF:sh
8.211

for T.L. Miller
MICHAEL J. SYLVESTER, Director
Department of Facilities Management

FINANCIAL DATA:

CURRENT YEAR COST \$ -0-
NET COUNTY COST \$ -0-

ANNUAL COST \$ -0-
IN CURRENT YEAR BUDGET: Yes
BUDGET ADJUSTMENT: N/A FOR FY: N/A

SOURCE OF FUNDS: Costs reimbursed 100% by developer

C.E.O. RECOMMENDATION:

REQUIRES
4/5th's VOTE

APPROVE

County Executive Officer Signature

Ann Brandt

Department Recommendation:
Per Executive Office:
 Policy
 Policy
 Consent
 Consent

Prev. Agn. ref.

Dist. 2

AGENDA NO.

16.11

RESOLUTION NO. 2003-132

AUTHORIZING CONDEMNATION OF REAL PROPERTY
FOR STREET WIDENING PURPOSES

BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED by the Board of Supervisors of Riverside County, State of California, not less than four-fifths of all members concurring, in regular session assembled on May ²⁰ 2003, as follows:

THAT, notice of intention to adopt this resolution was given to each person, whose hereinafter described real property is to be acquired by eminent domain, in accordance with Section 1245.235 of the Code of Civil Procedure and a hearing was conducted by the Board of the matters contained herein.

THAT, the authority for the County to acquire the real property by eminent domain is contained in Article 1, Section 19 of the California Constitution; Sections 940 and 943 of the Streets and Highways Code; Section 25350.5 of the Government Code; Sections 1240.010, 1240.020, 1240.110, 1240.420 of the Code of Civil Procedure.

THAT, the public interest and necessity require the proposed project.

THAT, the use for which the real property is to be taken is for street widening improvements, and for other uses incidental thereto and required thereby in order to complete the project being known as the widening of Wineville Avenue.

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THAT, the real property sought to be condemned is necessary for the construction of the public improvement and is located entirely within the boundaries of the County of Riverside, State of California, generally described as a portion of Assessor's Parcel Number 157-250-010, which is located in the Mira Loma area, Riverside County, and a specific description of the real property and the interests sought to be condemned are set forth in Exhibits "A" through "D" , attached hereto and by this reference made a part hereof.

THAT, the public improvement is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.

THAT, the offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record.

BE IT FURTHER RESOLVED that the County Counsel of the County of Riverside is hereby authorized and empowered:

To acquire in the name of the County, fee interests and a temporary construction easement by condemnation in accordance with the Constitution and laws relating to eminent domain.

To prepare and prosecute in the name of the County such proceedings in the proper court having jurisdiction thereof as are necessary for such acquisition.

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To make application to the Court for an order to deposit the probable amount of compensation out of proper funds under the control of the County into the County Treasury and for an order permitting the County to take prejudgment possession and use the real property for the purpose of constructing the public improvement.

To compromise and settle such proceedings, if such settlement can be reached, and in that event, to take all necessary action to complete the acquisition, including stipulations as to judgment and other matters, and causing all payments to be made.

JRF:sh
3/11/03
8.209

FORM APPROVED
COUNTY COUNSEL

MAR 12 2003

BY 
ASSISTANT COUNTY COUNSEL